

Remarks/Arguments:

The Office Action of November 25, 2009 rejected pending claims 1-17. In light of the above amendment to claim 1 and in view of the remarks below, the Applicant respectfully requests reconsideration and allowance of claims 1-17.

Claim 1

Claim 1 was rejected under 35 U.S.C. §112, first paragraph, as the then-amended claim reciting "said end cap having an outer diameter no greater than an inner diameter of said tube" was asserted by the examiner as failing to comply with the written description requirement. It is noted that the Office stated that the amended limitation "may be new matter." As amended herein, the claim recites, "said end cap having a maximum outer diameter not greater than the inner diameter of said tube" This language is supported by the current specification and obviates the prior art rejections. These points are considered in turn below.

35 U.S.C. §112, first paragraph

The claim recitation, "said end cap having a maximum outer diameter not greater than the inner diameter of said tube . . ." is not new matter and meets the enablement/written description requirement of 35 U.S.C. §112. Note Figs. 5B and 6B and their related text. Specifically, at [0056], it is stated that "Figs. 6A and 6B illustrate the component parts and exemplary dimensions for a catheter 40' of the type illustrated in 4A *according to another embodiment*." Furthermore, it is clearly stated that the conductive wire is formed into a coil "having an outer diameter of approximately 0.022 in. (0.5588 mm)." Next, it is recited that the maximum weld diameter of the conductive end cap 31 is approximately 0.023 in. (0.5842 mm). Thus, the coil diameter of 0.022 inches almost exactly matches the end cap diameter of 0.023 inches (a point which is also clearly shown in Figs. 5B and 6B).

At least with respect to Fig. 6A, for example, it is stated in the specification at [0056] that the cylindrical tube 42 has an inner diameter of "approximately 0.025 inches." This means that the end cap has a maximum diameter about equal to the inner diameter of the tube into which it fits. Moreover, the claim limitation, "said end cap having a maximum outer diameter not greater than the inner diameter of said tube . . ." is fully supported by the current specification.

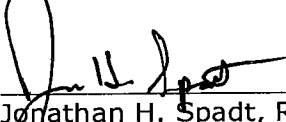
35 U.S.C. §§ 102(e) and 103(a)

Hafer (U.S. Patent No. 7,386,341) is asserted as teaching an end cap having "an" outer diameter "meaning any one of many," that is no larger than the internal diameter of the tube in which it is disposed. Notably, the Office asserts that Hafer has an end cap with "multiple outer diameters, and at least one of them is no larger than the inner diameter of the tube."

Claim 1 as amended recites that the end cap closing the distal tip of the tube has "a *maximum* outer diameter *not greater than* the inner diameter of said tube" This limitation is neither taught nor suggested by Hafer or any other known prior art. It is respectfully requested that the rejection of claim 1 be withdrawn and a notice of allowance issue for it and all of its dependents, namely claims 2-17.

Respectfully submitted,

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